

**Governor's Office of Emergency Services**

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**Best Practices for Local Government****Hazardous Material Emergency Planning and Response Programs:
Handling Public Information Requests**

The potential threat of terrorist activity aimed against Hazardous Materials facilities in California has created a need for increased security. Your agency's regulations and process for public dissemination of information should be reviewed in light of the increased threat of terrorism. We recommend that each local agency work with your city or county legal office to determine how Business Plan and California Accidental Release Prevention (CalARP) program information can best be disseminated consistent with local and state open records requirements.

California's Public Records Act and hazardous materials laws address releasing information to the public and to emergency responders. While this information must still be available for the public, the California Government Code, section 6253.4(a) allows every agency to adopt regulations to establish procedures to be followed when making its records available to members of the public.

Some procedures provided for your consideration include:

- Requests should be in writing. An agency-generated form may be used.
- The requestor should provide photo identification, both at the time the request is submitted, and at the time the person actually accesses the records.
- Record the name and address of each requestor and maintain a registry of the facilities each requestor has viewed.
- If a person requests to review the records in person, access should be by appointment, and the requestor should be allowed access only to those records specifically requested in writing. This appointment should be at the requestor's convenience, at any time during the agency's normal business hours.
- The information available for review will not include any trade secrets. Disclosure of designated trade secrets must follow the process in California Health and Safety Code, sections 25511 and 25538.
- The facility "site maps" and precise chemical location information shall not be available for inspection (California Health and Safety Code, section 25506(a)).
- It may not be prudent to make this information readily available on the Internet.

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Legal requirements for public record access can be found under the following:

- General requirements – The California Public Records Act, California Government Code, section 6250, *et seq.*
- Business Plan Program – California Health & Safety Code, section 22506(b) and 25511.
- CalARP Program – California Health & Safety Code section 25535.2 for public comment period and sections 25538(a), (g)(1), and (g)(2) for trade secrets.

OES is not attempting to discourage local government from providing information about hazardous material handling and storage practices in their communities, or the potential risk of these practices. If you have questions about this document or the OES hazardous materials programs, please contact the OES Hazardous Materials Unit at (916) 845-8741.

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